

REMARKS

By this amendment, claims 51 through 70 are pending, claims 15 and 39 were previously canceled without prejudice or disclaimer. Claims 1 through 14, 16 through 38, and 40 through 50 are currently canceled without prejudice or disclaimer. Claims 51 through 70 are newly presented. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure, e.g., Specification, page 16, lines 24 through 28, page 17, lines 19 through 26, page 25, lines 8 through 14, and Fig. 2, elements 40, 42, 44; Fig. 3, elements 88, 96. Applicants submit that the present Amendment does not generate any new matter issue.

The Decision of the Board of Patent Appeals and Interferences (“Board”) of June 2, 2011, affirmed the Examiner’s decision rejecting claims 1, 2, 4, 7, 16, 22 through 27, 29, 32, 40, and 46 through 49 under 35 U.S.C. §102(e) as anticipated by Albert et al. (“Albert”) (US 6,606,316), claims 19 through 21 and 43 through 45 as obvious under 35 U.S.C. §103(a) based on Albert et al. (“Albert”) (US 6,606,316), claims 11 and 36 as obvious under 35 U.S.C. §103(a) based on Albert et al. (“Albert”) (US 6,606,316) in view of Natarajan (US 6,505,244), claims 3 and 28 as obvious under 35 U.S.C. §103(a) based on Albert et al. (“Albert”) (US 6,606,316) in view of Amara (US 6,674,743), claims 5 through 10, 12 through 14, 17, 18, 30, 31, 33 through 35, 37, 38, 41, and 42 as obvious under 35 U.S.C. §103(a) based on Albert et al. (“Albert”) (US 6,606,316) in view of Gai et al. (“Gai”) (US 6,167,445), and claim 50 as obvious under 35 U.S.C. §103(a) based on Albert et al. (“Albert”) (US 6,606,316) in view of Gai et al. (“Gai”) (US 6,167,445) and Amara (US 6,674,743).

Claims 1 through 50 are now canceled, and new claims 51 through 70 presented. Claims 51 through 60 are directed to a network access system comprising three elements, a

programmable access device, an external processor, and an access router, each element being separate and apart from the other elements and each having specific functions while interacting with the other two elements. Claims 61 through 70 are counterpart method claims for handling a packet in a network access system.

To whatever extent the service manager 241, 242 of Albert may be considered an “external processor” and to whatever extent the forwarding agents 231, 232 of Albert may be considered a “programmable access device,” as claimed, along with their functions, interpretations sustained by the Board, independent claims 51 and 61 now specifically recite the three elements, i.e., a programmable access device, an external processor, and an access router, comprising the network access system, along with the specific functions assigned to each element, including, in claim 51, for example, “wherein the **external processor** comprises one or more service controllers for **controlling** functions for a respective type of service, at least one programmable access device controller for configuring the forwarding table, the packet header filter, and **at least one other function of an associated programmable access device**” (Emphasis Added). Thus, the present claims now recite not only an access router (for interacting with the programmable access device and external processor) which was not included in the claims before the Board, but the present claims also recite an additional function of service controllers within the external processor (in addition to controlling the forwarding table and the packet head filter) in configuring “at least one other function of an associated programmable access device.” This additional function is not disclosed by Albert.

Moreover, claims 54 and 64 are more specific as to this “other function” in reciting “the at least one other function of an associated programmable access device comprises **dynamic allocation of resources** to one of a customer interface, a packet flow, a class, and a

multicast group” (Emphasis Added). Albert clearly does not disclose such dynamic allocation of resources and Gai, employed previously by the Examiner for an asserted teaching of a “scheduler,” does not cure this deficiency of Albert as the scheduler in Gai does not provide dynamic allocation of resources, much less a dynamic allocation of resources to one of a customer interface, a packet flow, a class, and a multicast group, as claimed. Even if Gai provided for this claim feature, and Applicants do not agree that it does, there would have been no reason to combine Albert and Gai in such a manner as to result in the claimed invention since the person of ordinary skill in the art would not have sought to modify Albert in such a manner as to provide for the service manager 241, 242, controlling the forwarding agent 231, 232 so as to provide for dynamic allocation of resources, much less to one of a customer interface, a packet flow, a class, and a multicast group.

Still further, claims 55 and 65 provide for policing “a packet stream by applying one or more **token or leaky bucket algorithms** to determine whether the packet stream conforms to the traffic parameter” (Emphasis Added). None of the applied references teach or suggest these features.

Accordingly, newly presented claims 51 through 70 are allowable and a notice of allowability is respectfully solicited.

Therefore, the present application, as amended, overcomes rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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